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October 24, 2014

**BY ECF**

Honorable Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: Edwin Vasquez v. The City of New York et al.,**  
**14 CV 6488 (KPF)**

Your Honor:

This firm represents the plaintiff. I write in opposition to defendants' request for an indefinite stay of the instant matter with respect to the City of New York and the individual defendants because of the highly unlikely probability that the CCRB investigation will substantiate allegations against the individual defendants and because the City routinely engages in discovery prior to obtaining CCRB files related to the case.

As an initial matter, we note for the Court's attention that the CCRB investigation is not an internal NYPD investigation. Defendants argue that "[s]hould a stay not be granted, the City would likely be forced to represent the officer prior to learning the outcome of *its own investigation* concerning the officer's conduct." Defendants' Mot., page 2 (emphasis added). According to the CCRB's own website, the CCRB is an agency independent of the NYPD, which very rarely substantiates any allegations against members of the NYPD.<sup>1</sup> According to the CCRB's website, "[i]n 2013, the CCRB completed 2,082 full investigations and substantiated at least one allegation in 300 complaints. . .".

Given these statistics, it is highly unlikely that the CCRB investigation related to this case will have any influence on defense counsel's decision to represent the individual defendants. Moreover, plaintiff respectfully submits that this investigation has no bearing on the Law Department's ability to represent the municipal defendant.

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1. <http://www.nyc.gov/html/ccrb/html/faq/faq.shtml#a20>

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Additionally, defendants' argue that the CCRB documents will be valuable in discovery, but they have offered no time frame within which they expect to be able to obtain these documents. Plaintiff respectfully submits that this is not a valid reason for delaying the preliminary stages of this litigation. Indeed, attorneys for the City often are not able to obtain the files related to concluded CCRB investigations until well into the discovery phase, often necessitating discovery deadline extension requests and Court intervention to get the CCRB to disclose the file to The New York City Law Department.

Accordingly, plaintiff respectfully requests that the Court deny defendants' request for an indefinite stay of this case, because of the highly unlikely probability that the CCRB investigation will substantiate allegations against the individual defendants. Moreover, the City routinely engages in discovery prior to obtaining CCRB files related to the case.

Plaintiff thanks the Court for its time and consideration herein.

Respectfully Submitted,

/s/

Jessica Massimi